



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 6098-01  
11 January 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Navy Records, sitting in executive session, considered your application on 9 January 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 5 May 1999 for four years and extended your enlistment for an additional period of 12 months for the Enlistment Bonus Program. The record reflects at the time of your enlistment, you had been discharged from the Marine Corps on 22 October 1998 after only 24 days of active service.

On 7 June 1999 you were referred to the mental health unit due to an inability to cope. You described a history of sexual abuse, academic and legal difficulties, and problems related to substance abuse. You reported that six months earlier you were evaluated by a Navy Psychologist and recommended for separation from the Marine Corps basic training due to failure to adapt. You stated that you hated being alone and constantly feared that you fiancé would leave you. You were diagnosed with a personality disorder, not otherwise specified, with borderline and dependent features. The examining psychologist opined that you were unsuitable for further training and would be a continued risk for further problems if retained. An entry level separation was recommended.

On 9 June 1999 you were notified that separation action was being initiated by reason of convenience of the government due to defective enlistment and induction due to erroneous enlistment as evidenced by the diagnosed personality disorder. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. You were so discharged on 17 June 1999 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals separated by reason of a diagnosed personality disorder. Your contention to the effect that your recruiter promised that you would not have to go aboard ship and that you would get about \$327 a month for your new born son is neither supported by the evidence of record nor by any evidence submitted in support of your application. Further, the Navy is not bound by promises of a recruiter, except those made in writing. The Board had difficulty in determining what your true statement is, the one you are making now, or the one you made to a Navy psychologist to extricate yourself from your enlistment. You have provided no evidence that the Navy's diagnosis of a personality disorder was invalid or erroneous. The Board noted you had two opportunities to succeed, once in the Marine Corps and once in the Navy. The Board believed that two failures to do so provided sufficient justification to warrant the assignment of an RE-4 reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director